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# LEARNING AND TEACHING SHOWCASE 2016

## FACILITATING COLLABORATION IN PHYSICAL AND VIRTUAL SPACES

DR ALEX DEAGON  
SCHOOL OF LAW

# GCAP 2015-2016

- Theme of Collaboration
- Part 1: Collaborative group work in LLB203  
Tutorials
- Part 2: Online collaboration for LLH475 through  
Facebook
- Part 3: Collaborating with students to create  
assessment in LLB303

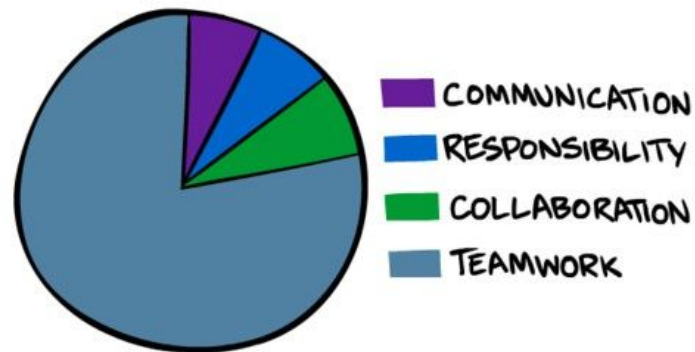


# Collaborative group work in LLB203 Constitutional Law Tutorials

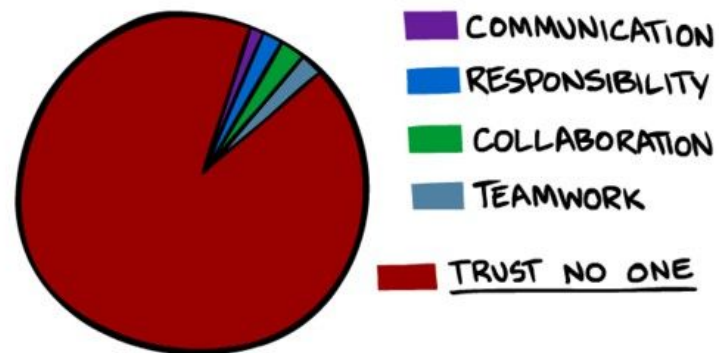


# WHO LIKES GROUP WORK ANYWAY... ?

WHAT GROUP PROJECTS ARE  
SUPPOSED TO TEACH YOU



WHAT GROUP PROJECTS TAUGHT ME



# CONTEXTUAL REVIEW AND NEEDS ANALYSIS

- Constitutional law traditionally complex and demanding
- Blended learning structure means less opportunity for engagement and interaction
- Students identified need for more opportunities to interact with peers and staff (Pulse Sem 1 2015):

“Not only do face-to-face lectures offer students the opportunity to engage directly with the lecturer, but they also provide us with an opportunity to engage with other students and talk about what we are learning. I have certainly missed the interaction with other law students this semester.”



## AIMS AND OBJECTIVES

- Facilitate targeted group work in tutorials
  - Fostering a community of learners who can reflect on the content through collaborative interaction (QUT Blueprint 4, 2014)
- Creating a sense of belonging (Race, 2007)
- Increasing learning engagement (Tinto, 2012)
- Providing students the opportunity to say and do (90% retention), as well as hear and see (50% retention) (Ramsden, 1992)
- Transforming from discrete, passive receivers of information to collaborative creators of content



## APPROACH AND IMPLEMENTATION

- Tutorials are 2 hours
- Depending on number of questions, students will be divided into groups of 4 with students around them to answer at least one question
- Will have 5-10 minutes to discuss
- Tutor will centralise and facilitate discussion





# EVALUATION

## ○ Quantitative

- In-class (instant response) surveys of 33 students in 2 tutorials
- Results were positive and tended to confirm effectiveness of the strategy

## ○ Qualitative

- 3 open-answer questions in the surveys; Personal evaluation
- Largely corroborated the quantitative data and comments were positive, but some areas identified for improvement



Working in groups enables me to understand  
and convey the content more effectively

**(3.5)**

My groups help me to crystallise my  
opinions/arguments in answering questions

**(3.6)**

Working in groups helps me  
to meet other students

**(3.9)**

Peer groups are a comfortable learning  
environment

**(3.8)**

Overall, working in groups enhances my learning  
outcomes

**(3.6)**

Overall, working in groups helps me feel like I  
belonged

**(3.6)**

1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5
1	2	3	4	5

1 = Never; 2 = Rarely; 3 = Sometimes; 4 = Usually; 5 = Always



What was good about the group work approach?

Is there anything about the group work approach which can be improved?

Any other comments?



### ○ **Positive feedback examples**

“It assists in clarification of various concepts and particularly in tough spots of the semester it’s reassuring to know that there are others in the same boat. If I don’t quite understand a topic, the discussion in groups often helps. Additionally, if I already understand the topic, being able to explain it further in a group environment further enhances that knowledge.”

“It makes coming to a decision easier as we are able to assess the content and usually come up with a more detailed answer. I like the group work discussions as they allow for a discussion of people’s understanding and sometimes help me develop a better answer.”

“Group work does allow me to meet other students. This is good, particularly because we can no longer do so in lectures.”

### ○ **Negative feedback themes**

- Groups lacked focus and direction due to lack of preparation from students
- Groups were comprised of friends so did not meet many new people
- Lack of participation by some group members



## REFLECTION

- The group work strategy is well grounded and its implementation confirmed many advantages referenced by the literature
- My own observations during class tended to confirm both these advantages and areas indicated for improvement
- Improvement could occur through more active facilitation and assistance by the tutor
- The group work strategy did tend to enhance learning engagement and a sense of belonging
  - It is an organic strategy which can be easily implemented
  - More active facilitation and assistance by the tutor will improve the effectiveness of the strategy even further



“Being able to offer up answers and suggestions without concerns they were wrong made me more willing to participate. I think group work makes the subject less daunting and more fun.”

Versus...





Online collaboration for LLH475  
Theories of Law through  
Facebook





# CONTEXT

- Advanced Honours Elective, final semester
- Mainly domestic internals, some externals
- Traditionally face-to-face delivery
- Extends engagement and specialisation in:
  - 1) understanding theories and theoretical analysis of law and policy
  - 2) persuasively communicating ideas to a wide range of audiences



## CHALLENGE

- Limited scope for transmitting knowledge, skills and information to peers
- Externals felt unable to properly engage with the content
- ULO: ‘communicate effectively with a wide range of audiences’



IMAGE SOURCE: [HTTP://ONLINEAWD.BLOGSPOT.COM.AU](http://onlineawd.blogspot.com.au)



## USE OF TECHNOLOGY

- Students prosper when they have time and space to think and learn, and when they are connected (QUT Blueprint 4, 2014)
- QUT seeks to harness technology to connect and engage students (QUT Blueprint 4, 2014)
- Technology can be used for dialogue facilitation to address need for engagement and satisfy ULO



## APPROACH

- Literature suggests learning engagement and learning outcomes are enhanced through peer discussion and interaction (Kift, 2008; Tinto, 2012; Ramsden, 1992)
- Leading online tools for this purpose are Facebook, Google+, and LinkedIn
- Have similar benefits and limitations: e.g. allow for discussion and engagement between students and creation of identity vs need for moderation/leadership and IT security issues



# APPROACH

- Facebook selected based on Fogg's Behaviour Change elements: **motivation, ability, triggers** (Fogg, 2007)
- **High Motivation**
  - Fun, engenders community and discussion
- **High Ability**
  - Familiar, free, easy to use, little physical effort
- **Easy Triggers**
  - Notifications, facilitator leading and reminders
- Also uniquely allows convenient accessibility through different devices, allows full moderation of content, and has versatile types of commentary: e.g. posts, comments, likes
- Successfully used by Greg Jenkins in 2015: identified positive aspects plus need for moderation and equity



# PLAN

- Create closed group and encourage students to join and participate
- Coordinator will lead and initiate discussion, moderate content, post announcements etc
- Any relevant content duplicated on Blackboard



## REFLECTION

- Students engaged in substantive discussion and debate much more on Facebook than on Discussion Board
- Externals and internals were able to interact together in an authentic and seamless manner
- Discussion decreased as the semester progressed but people were looking at the content
- Some effort to post, respond, moderate (and duplicate on BB)
- But overall a worthwhile process that I enjoyed and students appeared to benefit from





# SOME EXAMPLES...

The screenshot shows a web browser window displaying a Facebook group page. The browser's address bar shows the URL: <https://www.facebook.com/groups/989670494433046/>. The page title is "LLH475 Theories of Law Semester 1 2016".

The main content area features a post by Alex Deagon, dated 29 February. The post text reads: "Hello Legal Theorists! Welcome to Week 1. In addition to the video and readings, to prepare for the workshop this week I'd love to generate initial discussion on some of the issues we'll be looking at - or at least get you to think about it. In particular, what are your responses to these questions?"

Below the post text are two numbered questions:

1. How would you decide the Speluncean Explorers case and why?
2. Why are you studying 'Theories' of Law in the university for the 'real world'?... See more

The post has a "Like" button and a "Comment" button. Below the post, there are several comments from other users, including Mick Barber and Alan Tandy, discussing the Speluncean Explorers case. The comments are dated 29 February and 1 March.

On the right side of the page, there are several suggested pages and posts, including "Springfield Lakes! Surrounding Online garage Sale", "or Sale in Ipswich", and "For Sale in Ipswich". There is also a "SUGGESTED PAGES" section with a link to "See All".

At the bottom of the page, there is a "Chat (Off)" button and a timestamp of 9:32 AM on 26/10/2016.

# SOME EXAMPLES...

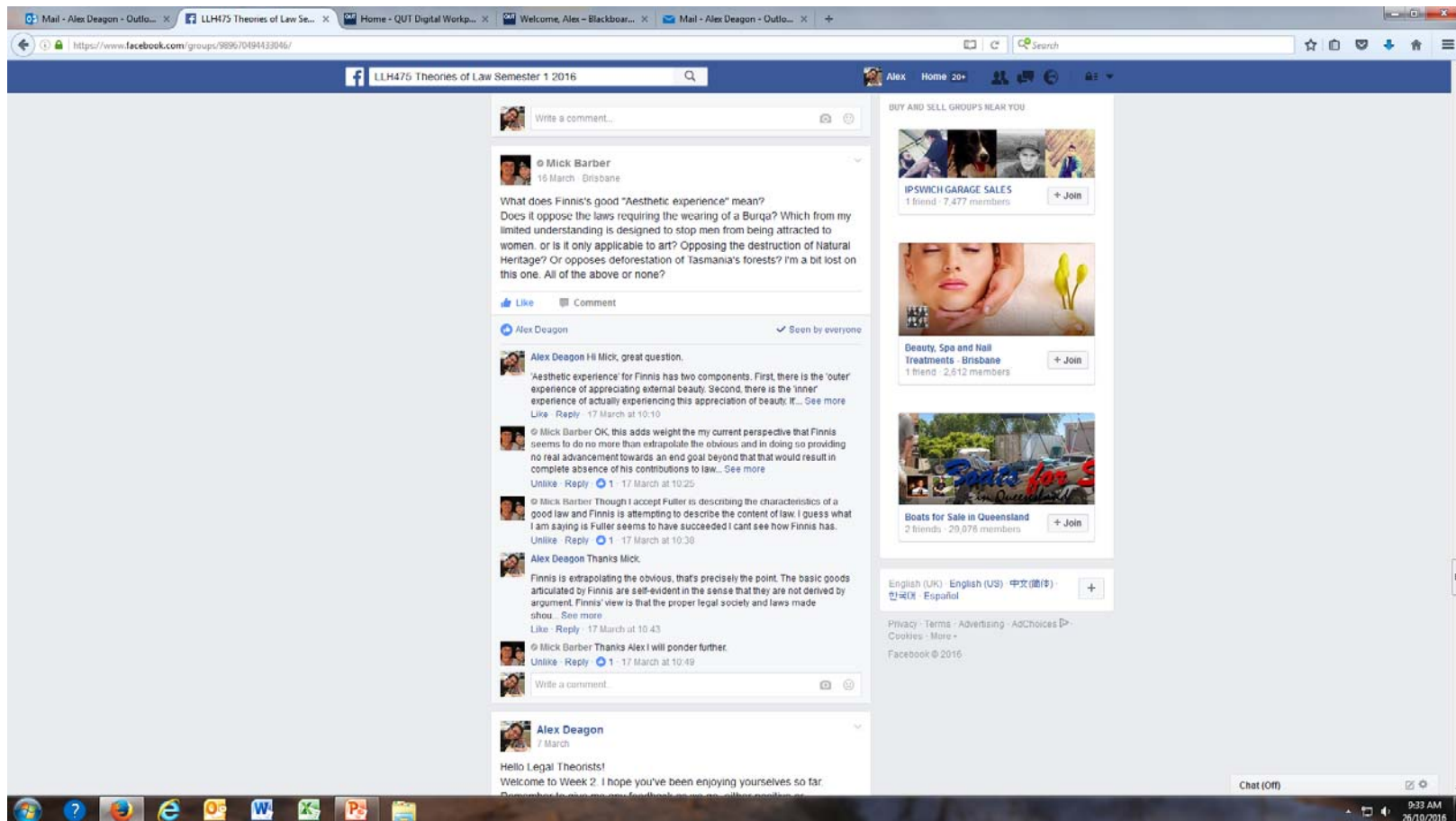


IMAGE SOURCE: [HTTP://BLOGS.TRIBUNE.COM.PK/STORY/13413/RIDING-THE-ROLLER-COASTER-OF-HAPPINESS-THAT-IS-FACEBOOK-DONE-IMAAAN/](http://blogs.tribune.com.pk/story/13413/riding-the-roller-coaster-of-happiness-that-is-facebook-done-imaan/)

# Hello, happiness!



Collaborating with students to  
create assessment in LLB303  
Evidence



# LITERATURE REVIEW

- Students are driven not by curriculum but by assessment (Heath 2011)
- Assessment could be used to harness engagement through providing students with choice (Watson and Field 2011)
- Corresponds with movement to student-centred learning which is said to build autonomy and critical judgement (Birenbaum 1996)
- Studies have shown positive results when students are provided with choice and control when it comes to assessment (Frankland 2007)
- E.g. self and peer assessment (Boud 1999)
- But limited examples of students collaborating with staff to create content of assessment (Falchikov 2005)
- In law this could mean allowing students to choose essay topics to increase critical engagement and learning outcomes (Hess 2002)



# CONTEXTUAL FRAMEWORK AND RATIONALE

- If assessment guides and motivates student learning, collaborating with students to create assessment should result in enhanced learning outcomes through increased intrinsic motivation (Vansteenkiste et al 2006)
- Limited literature considering this in law
- Opportunity to supplement and test literature for the benefit of staff and students in LLB303 and more generally



## METHODOLOGY

- Case study using surveys: all students in LLB303 invited to participate
- Objective 1: seek student input on essay question in final exam
- Objective 2: Ascertain student perception of enhanced learning outcomes through the process to supplement literature and confirm or challenge existing literature
- Objective 1 investigated through anonymous online survey available Week 4 to Week 7
- Objective 2 investigated through anonymous online survey available Week 8 to Week 10





# SURVEY 1

1. Would you prefer to create one topic, or a range of topics students can choose from?
2. If there is a range of topics, would you prefer to choose all the topics or have staff choose some of the topics?
3. What follows are some potential topics. Please select any which you would want to be the essay topic/an essay topic in the exam.
  1. The rationale for the rules of evidence – truth, justice or neither?
  2. ‘All presumptive evidence of felony should be admitted cautiously; for the law holds it better that ten guilty persons escape, than that one innocent party suffer.’ Do you agree? Why or why not?
  3. Resolving conflicting duties between the client and the court.
  4. Is the relevance threshold too low or high?
  5. Has the hearsay rule and its many exceptions become too complicated? Is reform required?
  6. Is the test for admitting similar fact evidence too stringent?
  7. Should a person be convicted based entirely on circumstantial evidence?
  8. Who is really an expert? Does the law of opinion evidence need updating?
4. Please suggest any other topics which you would want to be an essay topic in the exam.





## SURVEY 2

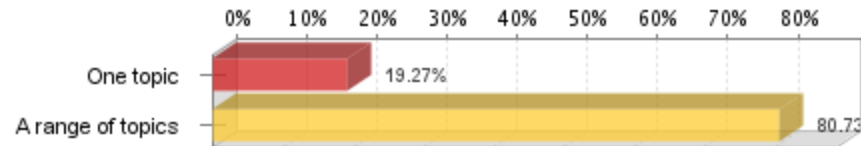
1. Reflecting on your recent experience, would you prefer to choose the essay topics, or have the essay topics chosen by staff, or a combination of both? Why?
2. Explain what you believe to be any benefits of being involved in creating your own assessment.
3. Explain what you believe to be any disadvantages of being involved in creating your own assessment.
4. Did being involved in creating your own assessment change your approach to preparing for the assessment? (Likert scale)
5. Explain your answer to 4.
6. Did being involved in creating your own assessment change your attitude towards the assessment? (Likert scale)
7. Explain your answer to 6.
8. Do you feel that being involved in creating your own assessment enhanced your learning experience? (Likert scale)
9. Why or why not?
10. Do you feel that being involved in creating your own assessment will affect your final grade for the unit? (Likert scale)
11. If so, how?
12. Would you like to see this approach adopted more in this and other law units? Why or why not?
13. Please provide any other comments or advice.



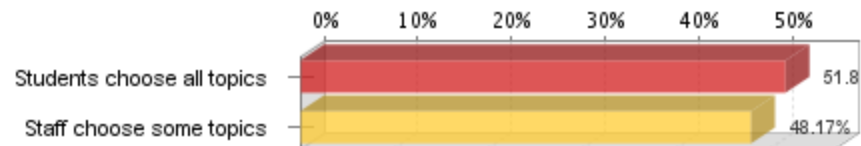
# RESULTS: SURVEY 1

(N = 219)

Would you prefer to create one topic, or a range of topics students can choose from?



If there is a range of topics, would you prefer to choose all the topics or have staff choose some ...



## RESULTS: SURVEY 1

1. The rationale for the rules of evidence – truth, justice or neither? (32%)
2. ‘All presumptive evidence of felony should be admitted cautiously; for the law holds it better that ten guilty persons escape, than that one innocent party suffer.’ Do you agree? Why or why not? (43%)
3. Resolving conflicting duties between the client and the court. (32%)
4. Is the relevance threshold too low or high? (42%)
5. Has the hearsay rule and its many exceptions become too complicated? Is reform required? (53%)
6. Is the test for admitting similar fact evidence too stringent? (20%)
7. Should a person be convicted based entirely on circumstantial evidence? (66%)
8. Who is really an expert? Does the law of opinion evidence need updating? (53%)



# RESULTS: SURVEY 1

- 'No other topics to suggest, just that I think a topic on circumstantial evidence would spark a lot of debate which would make an interesting essay to write and for markers to read! Students could discuss certain cases e.g. Baden-Clay - how there was no direct evidence to support the case, only circumstantial. This case received a lot of attention and debate - there are many theories and opinions that could be discussed to argue for or against a person being convicted entirely on circumstantial evidence.'
- 'Any topic/s covered by substantive material. I work and study fulltime. I put a huge amount of work into what I do. To walk into an exam and find that the coordinator has gone off on a tangent on %3 of the unit content for an entire question is heart breaking. Don't try and trick us, just test us on the materials you've provided or at least clearly have focused on and make it fair. While it might be a fun for the coordinators these exams seriously affect our futures.'
- 'Not a topic but keep in mind that exams are stressful and the essay topic should be clear and straightforward.'



# LLB303 ESSAY QUESTION IN EXAM

## QUESTION 3

Choose ONE of the following questions and write a short essay response.

1. The High Court recently made a unanimous decision to restore the murder conviction of Gerard Baden-Clay in *R v Baden-Clay* [2016] HCA 35. One of the main issues was whether it was open for the jury to conclude that Baden-Clay intended to kill his wife based on circumstantial evidence. Do you agree with the High Court's opinion? Justify your response by referring to the facts of the case and any other related cases.
2. The law related to hearsay has been described as 'obscure, complicated and irrational' by the NSW Law Reform Commission. Do you agree that the hearsay rules and its many exceptions are too complicated and need reform? Refer to relevant cases and/or legislation to justify your position.
3. Justice Davies (formerly of the QCA) once noted that expert opinion evidence is problematic because it is assumed that judges know how to understand and apply expertise in advanced areas when they decide legal disputes, when in fact they may not. Do you agree with Justice Davies? How could the law of opinion evidence be updated to keep up with rapidly advancing expertise in science and technology?
4. 'All presumptive evidence of felony should be admitted cautiously; for the law holds it better that ten guilty persons escape, than that one innocent party suffer.' Do you agree? Why or why not?

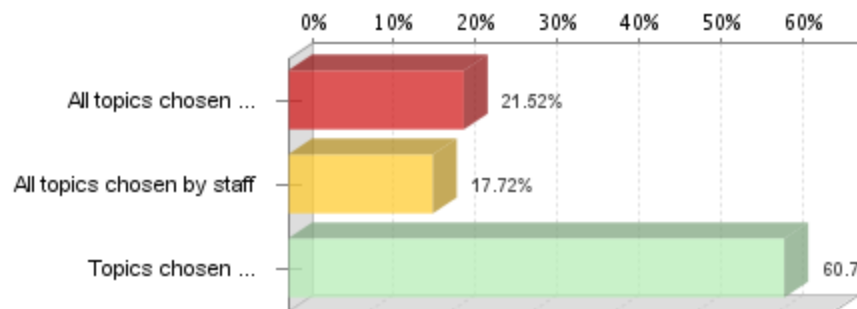
[10 MARKS]



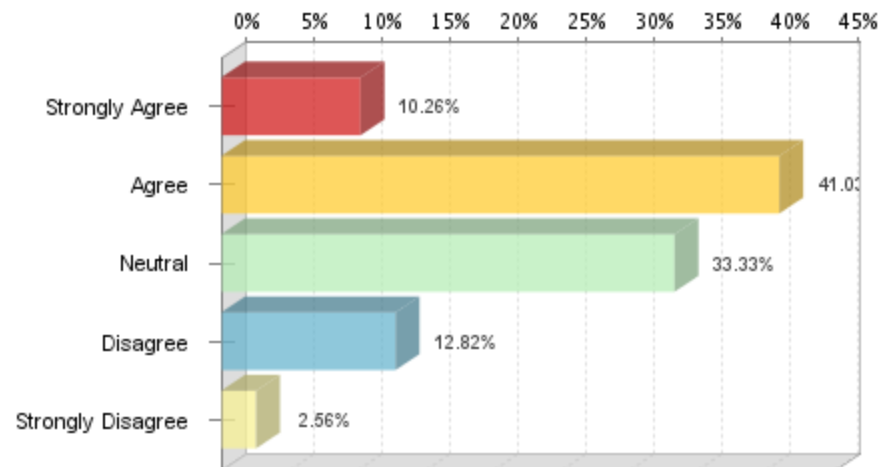
# RESULTS: SURVEY 2

(N = 80)

Reflecting on your recent experience, would you prefer to choose the  
essay topics, or have the essay topics chosen by ...



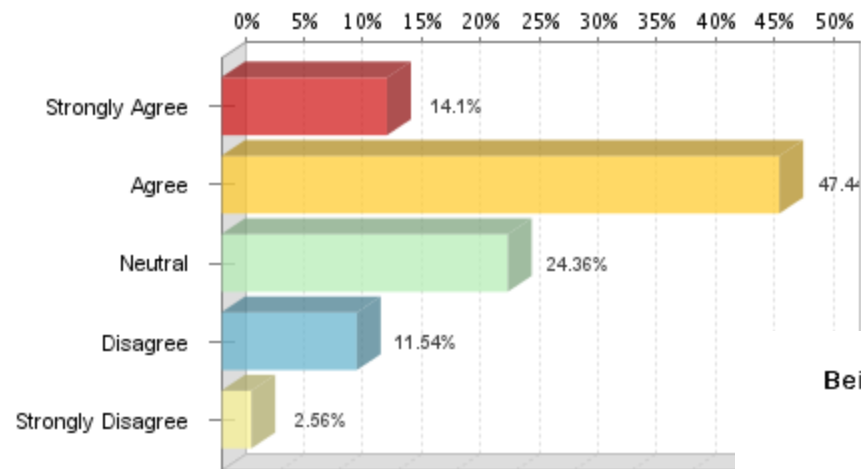
Being involved in creating your own assessment changed your  
approach to preparing for the assessment.



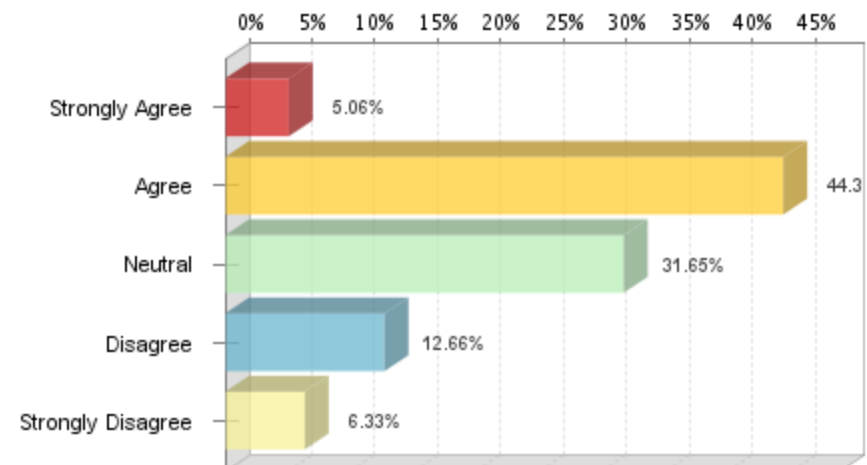
# RESULTS: SURVEY 2

(N = 80)

**Being involved in creating your own assessment changed your attitude towards the assessment.**



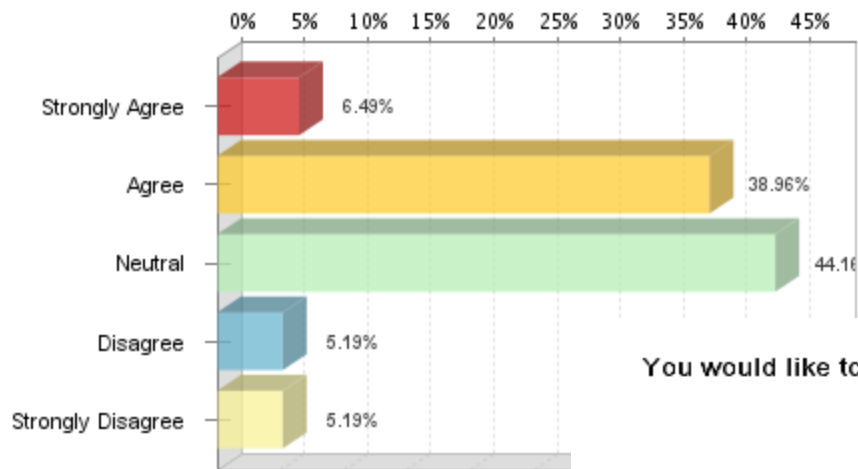
**Being involved in creating your own assessment enhanced your learning experience.**



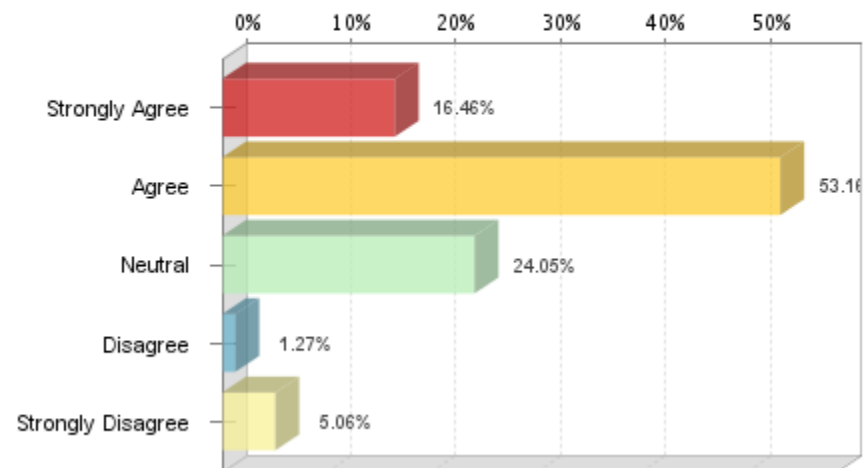
# RESULTS: SURVEY 2

(N = 80)

**Being involved in creating your own assessment will positively affect your final grade for the unit.**



**You would like to see this collaborative approach adopted more in this and other law units.**





# RESULTS: SURVEY 2

(N = 80)

- 'Student input is important and it helps to alleviate some of the anxiety surrounding the unknown.'
- 'To ensure a degree of choice while also having questions that properly test what we've been taught by the staff.'
- 'I feel more motivated to achieve well as I have more control over my learning'
- 'I think collaborating with staff and students is more beneficial. It allows a feeling of engagement on behalf of the student.'
- 'Students have their own things going on. I understand the thought process behind it but cannot get past the feeling that this is abdicating responsibility.'
- 'Disadvantages of involving students is that they may suggest the "easier" topics, rather than topics that are of most importance. They may not take the "whole of subject" into consideration.'
- **'The greater degree of engagement between staff and students in this subject has been, in my opinion, a positive influence on our learning experience. In particular, the opportunity to collaborate on the exam and the more progressive assessment structure encouraging legitimate engagement with evidence issues has indicated a greater level of concern with our learning compared to other law subjects taking the more 40/60 assessment approach. As such, I would like to see this approach taken in other law subjects.'**



## REFLECTION

- Caveats: student perceptions vs reality, small response rate to survey 2, high number of neutral selections, no control/comparative studies
- Data tends to confirm literature
- Students clearly indicated a preference for some control and choice re assessment
- When given this choice they feel more engaged, confident and motivated – which may improve results and learning outcomes
- But reluctance to receive full control, still a desire for staff to retain overall oversight to ensure rigour
- Students want to see this replicated in other units and it seems a strong option for enhancing learning outcomes (pending further research)



# Questions and Discussion

